

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6880

BILL NUMBER: HB 1357

NOTE PREPARED: Jan 12, 2006

BILL AMENDED:

SUBJECT: Driver's certificates.

FIRST AUTHOR: Rep. Aguilera

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill requires the Bureau of Motor Vehicles (BMV) to issue a driver's certificate to an individual who: (1) is otherwise qualified to drive a motor vehicle; but (2) cannot provide proof of residency status in the United States. It establishes procedures for issuance of the driver's certificate.

The bill authorizes an individual to include the individual's federal tax identification number or a distinctive number issued by the BMV in place of a Social Security number for certain BMV transactions.

The bill also makes conforming amendments and technical corrections.

Effective Date: Upon passage; July 1, 2006.

Explanation of State Expenditures: For the BMV, there will be expenditures associated with the production of the driver's certificate. It is unknown how many driver's certificates will be produced. The expenditures likely will be offset by the fee charged for the newly created certificate.

Background Information: The U.S. Immigration and Naturalization Service reported in 2000 that Indiana had an estimated 45,000 unauthorized immigrants.

Explanation of State Revenues: The fee for the driver's certificate is to be the same as an operator's license (\$14). The potential revenue will depend upon the number of driver's certificates issued. The funds affected are the Motor Vehicle Highway Account (which supports the BMV), the Motor Vehicle Technology Fund, the Crossroads 2000 Fund, the Anti-Terrorism Fund, and the state License Branch Fund (which supports the Bureau of Motor Vehicles Commission).

Penalty Provision: The bill provides for a Class C infraction for individuals violating the provisions regarding a driver's certificate. If additional court cases occur and infraction judgments and court fees are collected, revenue to the state General Fund may increase. The maximum judgment for a Class C infraction is \$500, which is deposited in the state General Fund.

If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

Background on Class C Infractions: In FY 2005, revenues deposited in the state General Fund for all infractions were \$13.2 M.

Explanation of Local Expenditures:

Explanation of Local Revenues: *Penalty Provision:* If additional court actions are filed and a judgment is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$70 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Bureau of Motor Vehicles; Bureau of Motor Vehicles Commission.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: State Auditor, *Revenue Trial Balance, June 30, 2005*; Immigration and Naturalization Service data.

Fiscal Analyst: James Sperlik, 317-232-9866.